



image

GAU 1636

Docket No.: 1087-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bowdish et al.

Examiner: Leffers

Serial No.: 10/006,591

Group: Art Unit 1636

Filed: December 5, 2001

Dated: September 29, 2003

Title: ENGINEERED PLASMIDS AND THEIR USE
FOR IN SITU PRODUCTION OF GENES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Claims 1-84 are pending in the instant application. The Office Action mailed August 27, 2003 (the "Office Action"), requires restriction between four groups of claims as follows:

- I. Claims 1-6, 23-37 and 73-74 drawn to a plasmid and host cells wherein the plasmid acts as a substrate for a plasmid encoding a polypeptide;
- II. Claims 7-12, 38-56 and 78-84 drawn to methods of constructing a plasmid encoding a polypeptide;
- III. Claims 13, 16-20, 22, 59-70 and 72 drawn to plasmids encoding a polypeptide and host cells comprising the plasmid; and

CERTIFICATION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

By

Name:

Date: September 29, 2003

IV. Claims 14-15, 21, 57-58, 71, and 75-77 drawn to proteins encoded by the recombinant plasmid.

Applicants elect, with traverse, to prosecute the claims of Group I, i.e., Claims 1-6, 23-37, 73-74. Applicants request the Examiner withdraw, or at the very least modify, the instant restriction requirement. Applicants respectfully submit that the Examiner, in searching for art related to a plasmid comprising a primer sequence and a collar sequence capable of annealing to two different portions of nucleic acid encoding a polypeptide (i.e., the claims of Group I), would necessarily find art related to methods of producing nucleic acids encoding a polypeptide with such plasmid (Group II); plasmids comprising a primer sequence and a collar sequence capable of annealing to two different portions of nucleic acid encoding a polypeptide and a nucleic acid strand complementary to the nucleic acid encoding the polypeptide (Group III); and polypeptides produced thereby (Group IV).

Accordingly, applicants request that examination proceed on all of the claims in the application as originally presented.

Respectfully submitted,



Peter DeLuca
Registration No. 32,978
Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 225
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526
PD/MRB/jjp